

LEGISLATIVE TESTIMONY ON HB123
Presented by Deborah Swingley, ED
Montana Council on Developmental Disabilities

Before House Human Services Committee, January 21, 2013

Mister Chair, members of the Committee, for the record my name is Deborah Swingley and it's my honor to serve as the Executive Director of the Montana Council on Developmental Disabilities (MCDD).

The Council is federally created and funded through PL 106-402 the Developmental Disabilities Assistance and Bill of Rights Act. The Council is statewide in coverage and operates with 25 volunteer members appointed by the Governor of which at least 60% of the members must be persons with disabilities or family members of persons with disabilities.

Words are powerful tools, and they can be equally powerful weapons. For too often the phrase we are asking be replaced has been used in hurtful ways through slurs and slang of our society. Words hurt.

HB 123 will allow for the replacement of the current term "mental retardation" with the term "intellectual disability" in all applicable state statutes.

In 2010 President Obama signed Rosa's Law which directed the substitution of the term "intellectual disability" in federal education, health and labor laws for the existing term mental retardation. Numerous states have followed suit in updating their statute language.

Under MCA 53-20-202 a

"Developmental disability" means a disability that:

- (a) is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other neurologically disabling condition closely related to mental retardation;
- (b) requires treatment similar to that required by mentally retarded individuals;
- (c) originated before the individual attained age 18;
- (d) has continued or can be expected to continue indefinitely; and
- (e) results in the person having a substantial disability.

This bill would change this and other references in statute from mental retardation to Intellectual Disability

The tool used to diagnose such disabilities as Mental retardation is known as the DSM or Diagnostic and Statistical Manual of Mental Disorders, and is produced by the American Psychiatric Association. The fifth edition of the DSM known as the DSM-5 is nearing its conclusion and is scheduled for release in May of 2013.

In the soon to be released DSM-5 the term mental retardation has been eliminated and replaced with the term intellectual disability. We do not have the exact definition of intellectual disability that will appear in the DSM-5 despite numerous attempts to secure that information. However, we and the disability community both nationally and in Montana have no reason to believe it will be different from the current definition of MR.

The term intellectual disability covers the same population of individuals who were diagnosed previously with "mental retardation" in number, kind, level, type and duration of the disability, and the need of people with this disability for individualized services and supports. Every individual who is or was eligible for a diagnosis of "mental retardation" is eligible for a diagnosis of intellectual disability.

We applaud the work of previous legislatures in removing insensitive language from our statutes. It is the hope of the Montana Council on Developmental Disabilities the Committee will further these efforts and look favorably on HB123.

Joining me in providing testimony today is MCDD Council member Darwin Nelson of Helena. For your convenience we have provided copies of both our testimony to the committee.

Thank you for your consideration of HB 123. We would be happy to answer your questions.